IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 599 of 1996

Between:

V.Narasaiah Naidu S/o. Rangappa Naidu
R/o. Kailashpuram Village, Puttur Mandal,
Chittoor District.

..... PETITIONER

AND

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1 The District Collector, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Puttur Mandal,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondents in unauthorisedly interfering with the peaceful possession and enjoyment of the petitioner and attempting to dispossess him from the land in Survey No. 150/7 over an extent of Ac.1.02 cents Dry and Survey No.149/2 over an extent of Ac.2.92 cents Dry of Kailashpuram Village Accounts, Puttur Mandal, Chittoor District, by causing a Notice in Roc.No.A4/ - /95, dt.5-1-1996 issued by the 2nd respondent at the instance of the 1st respondent in respect of S.No.150/7 of an extent of Ac.1.02 cents, and also declaring the action of the respondents in non-implementing the Settlement Patta granted in favour of the petitioner vide proceedings in S.R.No.151/11(a)/1982 PTR, dt.15-2-1983 relating to an extent of Ac.1.02 cents in Survey No. 150/7 despite repeated representations, as totally arbitrary, illegal, and unconstitutional, and also without jurisdiction, being violative of Arts. 14, 21 and 300-A of the Constitution of India, and also contrary to the

provisions of the Estates Abolition Act, 1948 and also in violative of the principles of Natural Justice, and consequently direct the respondents, not to dispossess the petitioner from the said lands either by assigning the said properties in favour of the third parties or otherwise; and further direct the respondents, to mutate the Revenue records in favour of the petitioner by implementing the order issued in Proceedings in S.R.No.151(11 (a)/1982 PTR, dt.15-2-1983 of the Settlement Officer, Nellore in respect of Survey No. 150/7 over an extent of Ac. 1.02 cents.

Counsel for the Petitioner: MR.D.RAMESH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

Alleging that he was granted Ryotwary patta under Section 11-A of the Estates Abolition Act (for short 'the Act') in respect of Acs.2.92 cents in S.No.149/2 and Acs.1.02 cents in S.No.150/7 of Kailaspuram village and that respondents, who have no right whatsoever therein are trying to dispossess her from the said land, petitioner filed this writ petition.

The contention of the Government is that Acs.2.92 cents in S.No.149/2 is classified as chowdu poramboke and that it was assigned to Sri A. Chengaiah way back in 1987 and that Acs.1.02 cents in S.No.150/7 is classified as village site poramboke and that the Collector preferred revision to the Director of Settlements in R.P.No.A1/107/1983, against the order granting ryotwari patta to the petitioner under Section 11-A of the Act, and that the said revision is still pending and since the Harijana Parameswaramangalam requested the Mandal Revenue Officer, Puttur to grant house site pattas to them in S.No.149/2, Mandal Revenue Officer issued a notice to the petitioner to deliver possession of the land in S.No.149/2 and 150/7.

Heard Both sides.

Since Ryotwari patta admittedly is granted to the petitioner under Section 11-A of the

Act and since revision preferred by the Government is still pending, respondents cannot interfere with the possession of the petitioner in respect of which he has a patta under the Act. The question how the petitioner could manage to obtain the patta from the Settlement Officer cannot be gone into in this writ petition, and that question can be decided only by the authority before whom, the revision preferred by the Collector is pending.

Therefore, with a direction to the Director of Settlements to dispose of the revision filed by the Collector in R.P.No.A1/107/1983 as per the procedure prescribed, as early as possible, at any rate within a period of six months from the date of receipt of a copy of this order, this Writ Petition disposed of. No costs.

C.Y. Somayajulu, J.

13th July, 2005

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To

1 The District Collector, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Puttur Mandal,

Chittoor District.

3 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4 2 CD copies.